

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

ORDER OF  
JUDICIAL REMOVAL

ERNESTO ANTONIO GUANDIQUE-AGUILAR,  
a/k/a "Carlos Aya-Soler,"

SI 22 CR 490 (JSR)

Defendant.

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Upon the application of the United States of America, by Jane Chong, Assistant United States Attorney, Southern District of New York; upon the Factual Allegations in Support of Judicial Removal; upon the consent of ERNESTO ANTONIO GUANDIQUE-AGUILAR, a/k/a "Carlos Aya-Soler," and upon all prior proceedings and submissions in this matter; and full consideration having been given to the matter set forth herein, the Court finds:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native of El Salvador and a citizen of El Salvador.
3. The defendant first entered the United States as a lawful permanent resident on December 31, 1984, immigrant classification P-63.
4. On July 22, 2004, the immigration judge issued a removal order ordering the defendant, under the name "ERNESTO ANTONIO GUANDIQUE-AGUILAR," removed from the United States to El Salvador.
5. On August 27, 2004, Immigration and Customs Enforcement ("ICE") removed the

defendant from the United States to El Salvador, pursuant to the final order of removal.

6. On or about September 28, 2004, Customs and Border Protection ("CBP") apprehended the defendant at or near Douglas, Arizona, after defendant illegally entered the entering the United States without being admitted or paroled or at any time or place than as designated by the Attorney General.

7. On or about September 29, 2004, ICE issued the defendant a notice of intent to reinstate a prior order of removal.

8. On or about May 2, 2005, the defendant was convicted in the U.S. District Court for the District of Arizona of illegal reentry after deportation, in violation of 8 U.S.C. § 1326(b)(2). The defendant was sentenced to a term of imprisonment of 51 months.

9. On or about August 22, 2008, ICE removed the defendant from the United States to El Salvador pursuant to the prior reinstated removal order.

10. At some point after August 22, 2008, but before February 23, 2021, the defendant illegally entered the United States without being admitted or paroled or at any time or place than as designated by the Attorney General.

11. From at least on or about February 23, 2021, the defendant unlawfully did enter the United States at a time or place other than as designated by immigration officers, and thereafter did elude examination and inspection by immigration officers.

12. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the Southern District of New York for the offense of illegal entry into the United States in violation of Title 8, United States Code, Sections 1325(a)(1) and (2).

13. A maximum sentence of six months' imprisonment may be imposed for this offense.


14. The defendant is subject to removal pursuant to section 212(a)(6)(A)(i) of the Immigration and Nationality Act of 1952 ("INA"), as amended, 8 U.S.C. § 1182(a)(6)(A)(i), as an individual who is present in the United States without being admitted or paroled, or who arrived in the United States at any time or place than as designated by the Attorney General; and section 212(a)(9)(C)(i)(II) of the INA; 8 U.S.C. § 1182(a)(9)(C)(i)(II), as an individual who has been ordered removed under section 235(b)(1), section 240, or any other provision of law, and who enters or attempts to reenter the United States without being admitted.

15. The defendant has waived his right to notice and a hearing under Section 238(c) of the INA, 8 U.S.C. § 1228(c).

16. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 238(c) of the INA, 8 U.S.C. § 1228(c), that the defendant shall be removed from the United States promptly upon his release from confinement, or, if the defendant is not sentenced to a term of imprisonment, promptly upon his sentencing, and that the defendant be ordered removed to El Salvador.

Dated: New York, New York  
7/21, 2023

  
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THE HONORABLE JED RAKOFF  
UNITED STATES DISTRICT JUDGE